

**Thomas Jefferson to Edmund Pendleton, February 14, 1799, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.**

**TO EDMUND PENDLETON J. MSS.**

Philadelphia, Feb. 14, 99.

Dear Sir, —I wrote you a petition on the 29th of Jan. I know the extent of this trespass on your tranquillity, and how indiscreet it would have been under any other circumstances. But the fate of this country, whether it shall be irretrievably plunged into a form of government rejected by the makers of the constitution, or shall get back to the true principles of that instrument, depends on the turn which things may take within a short period of time ensuing the present moment. The violations of the constitution, propensities to war, to expense, & to a particular foreign connection, which we have lately seen, are becoming evident to the people, and are dispelling that mist which X. Y. Z. had spread before their eyes. This State is coming forward with a boldness not yet seen. Even the German counties of York & Lancaster, hitherto the most devoted, have come about, and by petitions with 4,000 signers remonstrate against the Alien & Sedition laws, standing armies, & discretionary powers in the President. New York & Jersey are also getting into great agitation. In this State, we fear that the ill designing may produce insurrection. Nothing could be so fatal. Anything like force would check the progress of the public opinion & rally them round the government. This is not the kind of opposition the American people will permit. But keep away all show of force, and they will bear down the evil propensities of the government, by the constitutional means of election & petition. If we can keep quiet, therefore, the tide now turning will take a steady & proper direction. Even

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in N Hampshire there are strong symptoms of a rising inquietude. In this state of things, my dear Sir, it is more in your power than any other man's in the U S, to give the *coup de grâce* to the ruinous principles and practices we have seen. In hopes you have consented to it, I shall furnish to you some additional matter which has arisen since my last.

I enclose you a part of a speech of mr. Gallatin on the naval bill. The views he takes of our finances, & of the policy of our undertaking to establish a great navy, may furnish some hints. I am told something on the same subject from mr. J. Nicholas will appear in the Richmond & Fredksbg papers. I mention the real author, that you may respect it duly,

for I presume it will be anonymous. The residue of Gallatin's speech shall follow when published. A recent fact, proving the anxiety of France for a reconciliation with us, is the following. You know that one of the armed vessels which we took from her was refitted by us, sent to cruise on them, recaptured, & carried into Guadaloupe under the name of the *Retaliation*. On the arrival there of Desfourneaux, the new commissioner, he sent Victor Hughes home in irons; called up our capt'n: told him that he found he had a regular commission as an officer of the U S; that his vessel was then lying in harbor; that he should inquire into no fact preceding his own arrival (by this he avoided noticing that the vessel was really French property) and that therefore, himself & crew were free to depart with their vessel; that as to the differences between France & the U S, commissioners were coming out to settle them, & in the meantime, no injury should be done on their part. The captain insisted on being a prisoner; the other disclaimed; & so he arrived here with vessel & crew the day before yesterday. Within an hour after this was known to the Senate, they passed a retaliation bill, of which I enclose you a copy. This was the more remarkable, as the bill was founded expressly on the *Arret* of Oct 29, which had been communicated by the President as soon as received, and he remarked, "that it could not be too soon communicated to the two Houses & the public." Yet he almost in the same instant received, through the same channel, mr. King, information that the *Arret* was suspended, & tho' he knew we were making it the foundation of a retaliation bill, he has

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never yet communicated it. But the Senate knew the fact informally from the Secy of state, & knowing it, passed the bill.

The President has appointed, & the Senate approved Rufus King, to enter into a treaty of commerce with the Russians, at London, & Wm Smith, (Phocion) Envoy Extraordinary & Minister Plenipotentiary, to go to Constantinople to make one with the Turks. So that as soon as there is a coalition of Turks, Russians & English, against France, we seize that moment to countenance it as openly as we dare, by treaties, which we never had with them before. All this helps to fill up the measure of provocation towards France, and to get from them a declaration of war, which we are afraid to be the first in making. It is certain the French have behaved atrociously towards neutral nations, & us particularly; and tho' we might be disposed not to charge

them with all the enormities committed in their name in the West Indies, yet they are to be blamed for not doing more to prevent them. A just and rational censure ought to be expressed on them, while we disapprove the constant billingsgate poured on them *officially*. It is at the same time true, that their enemies set the first example of violating neutral rights, & continue them to this day; insomuch that it is declared on all hands, & particularly by the insurance companies & denied by none, that the British spoliations have considerably exceeded the French during the last 6. months. Yet not a word of these things is said officially to the legislature.

Still further, to give the devil his due, (the French) it should be observed that it has been said without contradiction, and the people made to Believe, that their refusal to receive our Envoys was contrary to the L. of Nations, and a sufficient cause of war; whereas, every one who ever read a book on the law of nations knows, that it is an unquestionable right in every power to refuse to receive any minister who is personally disagreeable. Martens, the latest and a very respected writer, has laid this down so clearly & shortly in his "summary of the law of nations," B. 7. ch. 2. sec. 9, that I will transcribe the passage verbatim. "Section 9. Of choice in the person of the minister. The choice of the person to

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be sent as minister depends of right on the sovereign who sends him, leaving the right, however, of him to whom he sent, of refusing to acknowledge any one, to whom he has a personal dislike, or who is inadmissible by the laws & usages of the country.” And he adds notes proving by instances, &c. This is the whole section.

Notwithstanding all these appearances of peace from France, we are, besides our *existing* army of 5.000 men, & *additional* army of 9.000 (now officered and levying), passing a bill for an *eventual* army of 30 regiments (30,000) and for regimenting, brigading, officering & exercising *at the public expense* our *volunteer* army, the amount of which we know not. I enclose you a copy of the bill, which has been twice read & committed in Senate. To meet this expence, & that of the 6. 72's & 6. 18's part of the proposed fleet, we have opened a loan of 5. millions at 8 per cent., & authorize another of 2 millions; and at the same time, every man voting for these measures acknowledges there is no probability of an invasion by France. While speaking of the restoration of our vessel,

I omitted to add, that it is said that our government contemplate restoring the Frenchmen taken originally in the same vessel, and kept at Lancaster as prisoners. This has furnished the idea of calling her a *cartel* vessel, and pretending that she came as such for an exchange of prisoners, which is false. She was delivered free & without condition, but it does not suit to let any new evidence appear of the desire of conciliation in France. I believe it is now certain that the Commissioners on the British debts can proceed together no longer. I am told that our two have prepared a long report, which will perhaps be made public. The result will be, that we must recur again to negotiation, to settle the principles of the British claims. You know that Congress rises on the 3d of March, and that if you have acceded to my prayers, I should hear from you at least a week before our rising. Accept my affectionate salutations & assurances of the sincere esteem with which I am, dear Sir, your friend and servant.